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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/600,722 | 06/20/2003 | Lars Severinsson | 03370-P0039A | 5843 |
| 24126 | 7590 | 06/15/2004 | EXAMINER | |
| ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619 | | | WILLIAMS, THOMAS J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3683 | |

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/600,722

Applicant(s)

SEVERINSSON ET AL. 9

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The phrase "means" appearing in lines 5, 7 and 8 should be removed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,068,975 to Theuer.

Re-claim 1, Theuer discloses a transmission brake for a rotational member 7/12 comprising: a motor 4/5 drives the rotational member 7/12 in a drive direction, the transmission brake 27 allows rotation of the rotational member in an opposite direction (column 2 lines 45-54) only to the extent that the motor rotates in the opposite direction, a clutch (interpreted as 26, this is consistent with the instant application in which the brake disc 14 is referred to as a clutch, see

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WO abstract) is positioned between the rotational member 7/12 and a non-rotational housing 1/3, a ramp (18 and 18') disengages the clutch when the rotational member is rotated in the drive direction (column 8 lines 32-48) but not the motor in a direction opposite to the drive direction. The ramp allows for disengagement of the clutch and brake when the motor is operated in either direction as indicated in column 2 lines 40-54.

Re-claims 2-6, the clutch means is spring biased into engagement; the clutch is spring biased into engagement (spring 33 biases clutch 26 into engagement), the clutch comprises at least one brake disc 26 connected to the rotational member 7/12 and at least one lamella 28 connected to the housing 1/3; the brake disc is splined to the shaft 12 (via splines 24); rollers are arranged between the inclined ramp surfaces on a ramp ring 18 and a ramp sleeve 18' (see figure 6); a rotational play is anticipated between the ramp ring and the shaft.

Re-claim 9, Theuer discloses a transmission brake having a housing 1/3, comprising: for a shaft 7/12 coupled to and for engaging a brake 27; a motor 4/5 having a rotor 6 coupled to and for driving the shaft; a clutch 26 (interpreted as 26, this is consistent with the instant application in which the brake disc 14 is referred to as a clutch, see WO abstract) positioned between the shaft and the housing; a ramp ring (18 and 18') for disengaging the clutch when the shaft is rotated in a drive direction; wherein the clutch allows rotation of the shaft in the drive direction and the clutch allows rotation of the shaft in a direction opposite to the drive direction only to the extent that the motor rotates in the opposite direction. The ramp allows for disengagement of the clutch and brake when the motor is operated in either direction as indicated in column 2 lines 40-54.

Allowable Subject Matter

4. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed April 12, 2004 have been fully considered but they are not persuasive. The arguments submitted regarding Theuer are more specific than the claim language. The claims merely require a transmission brake that allows rotation of a shaft in two directions. The device of Theuer clearly allows rotation of shaft 12 in both directions, as stated in column 2. The brake is released when the motor is rotated, and engaged when the motor rotation ceases, see column 2 lines 58-62. The embodiment disclosed by Theuer and argued by the applicant is not relied upon in the rejection. The examiner is relying upon the embodiment illustrated in figures 1-8.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

June 8, 2004

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams
Au 3683
6-8-04